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**TRANSMITTAL
FORM**

Application Number	09/654,998
Filing Date	August 31, 2000
First Named Inventor	Cameron Gene O'Rourke
Group Art Unit	2178
Examiner Name	Kyle R. Stork
Attorney Docket Number	50277-1950

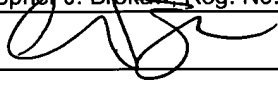
Total Number of Pages in This Submission

32

ENCLOSURES (check all that apply)

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<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal, Appeal Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition To Convert To a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Hickman Palermo Truong & Becker LLP Christopher J. Brokaw, Reg. No. 45,620
Signature	
Date	December 6, 2005

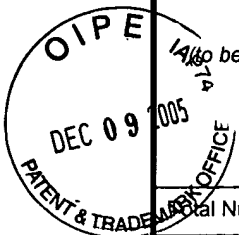
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Patent fees are subject to annual revision,
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See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$)**500.00****Complete if Known**

Application Number	09/654,998
Filing Date	August 31, 2000
First Named Inventor	Cameron Gene O'Rourke
Examiner Name	Kyle R. Stork
Group/Art Unit	2178
Attorney Docket No.	50277-1950

METHOD OF PAYMENT (check one)

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit
Account
Number

50-1302

Deposit
Account
Name

Hickman Palermo Truong & Becker, LLP

2. ☒ Payment Enclosed:
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3. ☐ Applicant(s) is entitled to small entity status.
See 37 CFR 1.27.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	\$500.00
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1504	300	2504	300	Publication Fee	
1462	400	1462	400	Petitions Director not specifically provided for Group I	
1463	200	1463	200	Petitions Director not specifically provided for Group II	
1464	130	1464	130	Petitions Director not specifically provided for Group III	
1806	180	1806	180	Submission of information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
Other fee (specify) _____					

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
1011	300	2011	150	Utility filing fee	
1111	500	2111	250	Utility Search fee	
1311	200	2311	100	Utility Examination fee	
1081	250	2081	125	Utility Application Size Fee	
1005	200	2005	100	Provisional Application Fee	
1085	250	20835	125	Provisional Application Size Fee	
SUBTOTAL (1)			(\$) 0.00		

2. EXTRA CLAIM FEES

Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid
20**	0	X	50.00	= 0.00
3**	0	X	200.00	= 0.00
Multiple Dependent				=

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	**Reissue independent claims over original patent	
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$) 0.00		

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)**(\$)** 500.00**SUBMITTED BY**

Name (Print/Type) Christopher J. Brokaw

Registration No.
(Attorney/Agent) 45,620

Telephone (408) 414-1225

Signature

Date

December 6, 2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Confirmation No.: 7083
	:	
Cameron Gene O'Rourke, et al.	:	Group Art Unit: 2178
	:	
Serial No.: 09/654,998	:	Examiner: Kyle R. Stork
	:	
Filed: August 31, 2000	:	
	:	
For: GENERATING A WEB PAGE BY	:	
REPLACING IDENTIFIERS IN A	:	
PRECONSTRUCTED WEB PAGE	:	

Mail Stop Appeal Brief - Patents

Commissioner for Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on September 21, 2005.

I. REAL PARTY IN INTEREST

Oracle International Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

12/09/2005 HGBREH1 00000077 09654998

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III. STATUS OF CLAIMS

Claims 25-49 are pending in this application, were finally rejected, and are the subject of this appeal. Claims 1-24 were canceled during prosecution.

IV. STATUS OF AMENDMENTS

No amendments were filed after the final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application contains independent Claims 25, 37, and 49. These independent claims recite similar limitations, except in the context of a method, a computer-readable medium, and a system respectively. Claims 25, 37, and 49 are directed generally to an approach for generating web pages in a manner that allows replacement content to be inserted into a preconstructed web page in lieu of an identifier, included within the preconstructed web page, based on correlation data that is stored separate from the preconstructed web page.

According to the approach recited in Claims 25, 37, and 49, a preconstructed web page is stored. Correlation data is stored separate from the preconstructed web page. The correlation data specifies a correlation between an identifier and replacement content. A request for a requested web page that corresponds to the preconstructed web page is received. In response to the request, the preconstructed web page is retrieved. The preconstructed web page (a) was created prior to receiving the request, (b) is written in a tag-delimited page description language, and (c) includes the identifier at a position between a pair of tags within the preconstructed web page.

In response to the request, the preconstructed web page is modified to produce the requested web page by causing a program to perform the steps of (a) removing the identifier from the preconstructed web page, and (b) inserting the replacement content at the position in the preconstructed web page, wherein the replacement content is selected based on the correlation data. The requested web page is provided in response to the request (Specification at Page 4, line 16 – Page 7, line 15; Page 11, line 3- Page 13, line 7; Page 15, line 6 – Page 19, line 13; and FIGS. 3-11).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 25-49 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Ladd, Eric, et al., Using HTML 4, XML, and Java 1.2, 1999, Que. Platinum Edition (hereinafter "*Ladd*").

2. Claims 32 and 44 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of *Ladd*.

VII. ARGUMENTS

Each of Claims 25-49 is patentable over the cited art because at least one element in each pending claim is not disclosed, taught, or suggested by the cited art.

A. Claims 25, 37, and 49

Claim 25 recites:

“storing a preconstructed web page;
storing, separate from said preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content;
receiving a request for a requested web page that corresponds to said

preconstructed web page;
in response to said request, retrieving said preconstructed web page,
wherein:
said preconstructed web page was created prior to receiving said
request,
said preconstructed web page is written in a tag-delimited page
description language, and
said preconstructed web page includes said identifier that is located at a
position between a pair of tags within said preconstructed web
page;
in response to said request, modifying said preconstructed web page to
produce said requested web page by causing a program to
perform the steps of:
removing said identifier from said preconstructed web page, and
**inserting said replacement content at said position in said
preconstructed web page, wherein said replacement content
is selected based on the correlation data;** and
providing said requested web page in response to said request.”
(emphasis added)

The above-cited combination of elements are not disclosed, taught, or suggested by
Ladd.

Both *Ladd* and the pending claims are directed towards generating a web page, and
both *Ladd* and the pending claims perform operations that modify a web page in response to
receiving a request for a web page. However, beyond these broad generalities, there are sharp
contrasts between the approach of *Ladd* and the approach recited in the pending claims.

The approach of *Ladd* is directed towards an Active Server Page (ASP) application
that comprises scripted instructions embedded in an HTML document (see page 850 of *Ladd*).
In the approach of *Ladd*, when the server receives a request for the web page, the server
executes a script embedded in the HTML document. The script, once executed, may modify
the content of the HTML document before presentation to the requestor. Once the server
executes the embedded script, the server removes the script from the HTML document in
which it resides before serving the requested web page to the requestor. For example, if a
client requested the web page shown on page 851, then the server would retrieve the web page

and execute the embedded VBScript entitled 'HelloWorld.' As a result of the server executing the VBScript, the text "Hello World" would appear in the requested web page served to the client, but the embedded VBScript would not.

Unfortunately, the approach of *Ladd* suffers from exactly the same deficiencies that were described in the Applicants' background. Specifically, page 3, lines 5-16 of the Applicants' specification state:

A second approach employs the reverse technique. Source code in a higher order programming or scripting language is placed into a Web page HTML code and is interpreted at runtime. Examples of this approach include ColdFusion, **ASP (Active Server Pages)** and JSP (Java Server Pages). Source code segments are placed directly into the HTML code. Tags or similar delimiters separate the source code segments from the page script. At runtime, a server executes the source code to generate a complete Web page. However, the source code is intrusive and can make using conventional Web editing tools difficult. The look and feel of a Web site can also be spread across several pages, imposing a maintenance burden. Finally, the application logic and user interface are not cleanly separated. Consequently, programmers and Web page artists find simultaneously working on the same page difficult. (emphasis added)

The approach of *Ladd* is directed towards the very same technique identified in the Applicants' background quoted above, namely Active Server Pages. Specifically, both the approach of *Ladd* and the portion of the Applicants' background quoted above have the following same features:

1. Source code in a higher order programming or scripting language is placed into a Web page HTML code and is interpreted at runtime.
2. The scripting language or source code is an Active Server Page application.
3. Source code segments are placed directly into the HTML code.
4. Tags or similar delimiters separate the source code segments from the page script.

5. At runtime, a server executes the source code to generate a complete Web page.
6. The source code is intrusive and can make using conventional Web editing tools difficult.
7. The look and feel of a Web site can also be spread across several pages, imposing a maintenance burden.
8. The application logic and user interface are not cleanly separated.

Advantageously, the approach taken by the pending claims solves the problems described by the Applicants' background and experienced by *Ladd*. In the approach of the pending claims, correlation data that specifies a correlation between an identifier and replacement content is stored separate from the preconstructed web page. The replacement content, identified by the correlation data, is inserted into the preconstructed web page at a position identified by an identifier within the preconstructed web page. Because the correlation data is stored separate from the preconstructed web page, the problems associated with prior approaches, such as *Ladd*, are avoided.

As an example of the approach of Claim 25, FIG. 3 of the Applicants' patent application illustrates a preconstructed web page. At lines 11 and 12 of FIG. 3, the identifiers #HFEF#, #SYMBOL#, and #COMPANY# are recited. When the preconstructed page is requested, a controller script 31 (shown in FIG. 2) removes the identifiers, and inserts replacement content in lieu of the corresponding identifier based on correlation data stored separate from the preconstructed web page of FIG. 3.

Correlation data is data that is stored, separate from the preconstructed web page, which specifies a correlation between an identifier and replacement content. For example,

controller script 31 may contain the correlation data, as shown below and on page 12, lines 5, 19 of the Applicants' specification:

For example, a controller script 31 written in PL/SQL to generate a dynamic Web page from the HTT template 35 shown in FIGURE 3 is as follows:

```
BEGIN
htt.get ('companies.html');
htt.sub ('HREF', 'http://www.acme.com);
htt.sub ('SYMBOL, 'ACME');
htt.sub ('HREF', 'ACME');
htt.sub ('COMPANY, 'ACME Corporation');
htt.break;
htt.sub ('HREF', 'http://www.orcl.com);
htt.sub ('SYMBOL, 'ORCL);
htt.sub ('COMPANY, 'Oracle Corporation);
htt.showpage;
END;
```

As shown above, the correlation data in the controller script 31 associates the identifier HREF with replacement content (http://www.acme.com and http://www.orcl.com), associates the identifier SYMBOL with replacement content (ACME and ORCL), and associated the identifier COMPANY with replacement content (ACME Corporation and Oracle Corporation). As taught in the Applicants' specification at page 11, line 24 – page 12, line 4, the correlation data may specify that more than one piece of replacement content may have a correlation to a particular identifier, as shown above. The requested web page dynamically generated by the controller script 31 in this example is shown in FIG. 4.

Significantly, the correlation data in the controller script 31 (a) is stored separate from the preconstructed web page, and (b) specifies a correlation between an identifier and replacement content. *Ladd* lacks any teaching of correlation data as claimed.

In view of the differences between *Ladd* and the approach of the pending claims, numerous elements featured in Claim 25 are not disclosed, taught, or suggested by *Ladd*. No portion of *Ladd* teaches, discloses, or suggests the element of “storing, separate from said

preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content” as featured in Claim 25. On the contrary, *Ladd* expressly teaches away from this element as the approach of *Ladd* stores all code that modifies web page content in the actual web page itself. For example, the VBScript “HelloWorld,” on page 851 of *Ladd*, is contained within a particular web page, and when the particular web page is requested, the VBScript “HelloWorld” is executed. Since an embedded script, such as VBScript, is contained within the web page, it is not stored separate from a web page. As a result, an embedded script cannot possibly be analogous to correlation data as claimed.

To qualify as an identifier as claimed, the identifier must be removed from a preconstructed web page. However, in the approach of *Ladd*, the only thing that is removed from a web page is the VBScript itself. Thus, in *Ladd*, only the embedded VBScript could possibly qualify as an identifier as claimed. Also, in the approach of *Ladd*, to the extent that anything is analogous to replacement content as claimed, the replacement content must be content generated by processing the VBScript embedded within the web page. For example, when the HelloWorld script of Listing 33.3 on page 851 of *Ladd* is executed, the only data specifying that “Hello World” is to be printed upon execution of the script is data contained within the embedded VBScript entitled ‘HelloWord.’

However, in the approach of *Ladd*, no data is stored anywhere that specifies a correlation between (a) the embedded script in its entirety, and (b) the result of processing the embedded script. While the embedded script may be processed to generate replacement content, processing a script to generate a result is not analogous to storing data that specifies a correlation between the embedded script in its entirety and the replacement content generated by processing the embedded script.

Assuming, *arguendo*, that *Ladd* does teach storing data analogous to correlation data, to the extent that the approach of *Ladd* contains anything remotely analogous to a correlation between an identifier and replacement content, the correlation must be identified in the embedded script. However, Claim 25 also requires that the correlation data be stored “separate from said preconstructed web page.” In sharp contrast, the embedded script of *Ladd* is not separate from the preconstructed web page, but actually resides inside the web page. As an embedded script is embedded inside a web page, an embedded script cannot be separate from a preconstructed web page, and therefore, cannot qualify as correlation data as claimed.

The Office Action argues, “server-side scripts are embedded inside the HTML file, but reside in a location independent of the HTML file. This is apparent when examining the file extensions” (see page 11 of the most recent Office Action). This is an incorrect statement of how Active Server Pages work. For example, *Ladd* teaches:

When a browser requests a file containing an Active Server Page document, the server parses out and executes the scripted instructions. Any HTML output from the script is inserted back into the document in place of the original script code. The result is a pure HTML page that is sent back to the browser. (*Ladd*, page 850).

The file containing the Active Server Page script is identified by an “.asp” extension, while the pure HTML page that is sent back to the browser is identified by an “.htm” or “.html” extension. (See *Ladd*, page 851, top of page). To identify to the server that a web page contains an Active Server Page script, it is identified by an “.asp” extension. Thus, the Office Action’s assertion that the server-side scripts of *Ladd* exist outside of a preconstructed web page in which they are embedded is not supported by *Ladd*.

The Office Action identifies Listing 33.4 on page 852 of *Ladd* as identifying a server-side script existing outside of a web page in which it is embedded. However, Listing 33.4 merely depicts an illustrative “.asp” file. When the server executes the script within the .asp

file of Listing 33.4, a HTML web page (a text file having a “.htm” “.html” extension) will be produced. For example, (a) if the session variable named user_id is empty, then invalid.htm will be produced, (b) if the variable named report_type has a value of “nba” and the variable named nba_online has a value of “y,” then latest_nba.htm will be produced, and (c) if the variable named report_type has a value of “nba” and the variable named nba_online does not have a value of “y,” then invalid.htm will be produced. The .asp file of Listing 33.4 qualifies as a preconstructed web page. As shown in Listing 33.4, no correlation data exists separate from the preconstructed web page of the .asp file of Listing 33.4.

Consequently, the limitation of “storing, separate from said preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content” featured in Claim 25 cannot possibly be disclosed, taught, or suggested by *Ladd*.

Further, no portion of *Ladd* teaches, discloses, or suggests the element of “inserting said replacement content at said position in said preconstructed web page, wherein said replacement content is selected based on the correlation data” as featured in Claim 25. In sharp contrast, to the extent that content is inserted into a web page in the approach of *Ladd*, the content to be inserted is selected by data contained within the embedded script of the web page, and not by correlation data stored separate from the preconfigured web page.

As a result, as at least one element is not shown, taught, or suggested by the cited art, it is respectfully submitted that Claim 25 is patentable over the cited art, and is in condition for allowance.

Independent Claims 37 and 49 each feature elements similar to that discussed above with respect to Claim 25, except that Claims 37 and 49 are recited in computer readable medium format and system format respectively. Consequently, for at least the reasons

discussed above with respect to Claim 25, it is respectfully submitted that Claims 37 and 49 are each patentable over the cited art and in condition for allowance.

CLAIMS 27 AND 39

Claims 27 and 39 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 27 and 39 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 27 and 39 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 27 and 39 each recite the following additional features:

“wherein:
said identifier is a first identifier and said position is a first position;
said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page;
said preconstructed web page includes first code, written in said tag-delimited page description language, that describes a first display region and second code, written in said tag-delimited page description language, that describes a second display region that includes said second identifier, wherein said first code includes said first identifier, and wherein said second code includes said second identifier; and
modifying said preconstructed web page to produce said requested web page further comprises causing said program to arrange an ordering of said first display region and said second display region in said requested web page based on an ordering of said first position and said second position in said preconstructed web page.”
(emphasis added)

As explained above, in the approach of *Ladd*, only the embedded VBScript itself could possibly qualify as an identifier, as only the VBScript is removed from the preconstructed web page. Indeed, the argument of the Office Action appears to rely on the embedded VBScript of *Ladd* as showing both the first identifier as claimed and the second identifier as claimed. However, in the approach of *Ladd*, a preconstructed web page is not modified to produce a requested web page based on an ordering of (a) a first position where the first

identifier is located in the preconstructed web page, and (b) a second position where the second identifier is located in the preconstructed web page. Since the Office Action is arguing that the VBScript of *Ladd* is analogous to both the first identifier and the second identifier, both the first identifier and the second identifier have the same position. Thus, if the first identifier and the second identifier were interpreted as the Office Action suggests, there would be no ordering between the first identifier and the second identifier, and therefore, the above-bolded element would not be shown by *Ladd*. As a result, *Ladd* fails to disclose, teach, or suggest the above claimed features of Claims 27 and 39. Consequently, Claims 27 and 39 are patentable over *Ladd* and are in condition for allowance.

CLAIMS 28 AND 40

Claims 28 and 40 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 28 and 40 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 28 and 40 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 28 and 40 each recite the following additional features:

“wherein:

**said program is a first program, said identifier is a first identifier, and
said position is a first position;**

**said preconstructed web page includes a second identifier that is located at
a second position between another pair of tags within said
preconstructed web page; and**

said preconstructed web page includes first code, written in said tag-delimited page description language, that describes a first display region and second code, written in said tag-delimited page description language, that describes a second display region, wherein said first code includes said first identifier, and wherein said second code includes said second identifier;

**modifying said preconstructed web page to produce said requested web
page further comprises causing said program to arrange an
ordering of said first display region and said second display region**

in said requested web page based on an ordering specified by a second program.” (emphasis added)

As explained above, in the approach of *Ladd*, only the embedded VBScript itself could possibly qualify as an identifier, as only the VBScript is removed from the preconstructed web page. Indeed, the argument of the Office Action appears to rely on the embedded VBScript of *Ladd* as showing the first identifier as claimed, the second identifier as claimed, the first program as claimed, and the second program as claimed. However, such an interpretation would ignore numerous elements, such the element of “said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page” since, in the position of the Office Action, both the first identifier and the second identifier are located between the same pair of tags. As a result, *Ladd* fails to disclose, teach, or suggest the above claimed features of Claims 28 and 40. Consequently, Claims 28 and 40 are patentable over *Ladd* and are in condition for allowance.

CLAIMS 32 AND 44

Claims 32 and 44 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 32 and 44 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 32 and 44 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 32 and 44 each recite the following additional features:

“wherein:

said identifier is a first identifier, said position is a first position, and
said code that describes how to render one display region is first
code that describes how to render a first display region;
said preconstructed web page includes said first code;
said preconstructed web page includes second code, written in said tag-
delimited page description language, that describes how to

render a second display region, wherein said second code includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page;
said preconstructed web page includes third code, written in said tag-delimited page description language, that describes how to render a third display region, wherein said third code includes no identifiers;
the step of modifying said preconstructed web page to produce said requested web page comprises:
including said first code in said requested web page because said replacement content replaces said first identifier;
not including said second code in said requested web page because no replacement content replaces said second identifier; and
including said third code in said requested web page because said third code includes no identifiers”
(emphasis added)

The Office Action fails to present a full explanation as to why each of the above limitations is shown by *Ladd*. The Office Action presumes that “it was notoriously well known in the art at the time of the invention that identifiers may be left out of templates and that they will not be replaced by anything because this is the intuitive, simplest thing to do.” However, the Office Action fails to explain what relevance this statement, and templates in general, have with respect to the above quoted features, as Claims 32 and 44 are not directed towards the use of a template. No explanation has been provided by the Office Action as to why the above-bolded features of Claims 32 and 44 are shown by *Ladd*. As a result, Claims 32 and 44 are patentable over *Ladd* and are in condition for allowance.

CLAIMS 33 AND 45

Claims 33 and 45 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 33 and 45 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 33 and 45

introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 33 and 45 each recite the following additional features:

“wherein:
said program is a hypertext template engine; and
a controller program performs the step of modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting”

The Office Action does not cite a single portion of *Ladd* that discloses, teaches, or suggests the above elements of Claims 33 and 45. Instead, the Office Action only offers the broad conclusory statement that “*Ladd* discloses the method as recited in Claim 25,” followed by a listing of features recited in Claim 33. No explanation is provided as to why the above-quoted features of Claims 33 and 45 are disclosed, taught, or suggested by *Ladd*. Such a conclusory statement is not permissible under MPEP § 706. Consequently, Applicants respectfully request (a) the Patent Office provide an explanation that conforms to MPEP § 706 as to why Claims 33 and 45 are not patentable, or (b) the Patent Office indicate that Claims 33 and 45 are patentable.

CLAIMS 34 AND 46

Claims 34 and 46 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 34 and 46 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 34 and 46 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 34 and 46 each recite the following additional features:

“wherein said controller program modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting further comprises:

said controller program making a substitution call to said hypertext template engine, wherein said substitution call specifies said identifier and said replacement content”

The Office Action does not cite a single portion of *Ladd* that discloses, teaches, or suggests the above elements of Claims 34 and 46. Instead, the Office Action only offers the broad conclusory statement that “*Ladd* discloses the method as recited in Claim 25,” followed by a listing of features recited in Claim 34. No explanation is provided as to why the above-quoted features of Claims 34 and 46 are disclosed, taught, or suggested by *Ladd*. Such a conclusory statement is not permissible under MPEP § 706. Consequently, Applicants respectfully request (a) the Patent Office provide an explanation that conforms to MPEP § 706 as to why Claims 34 and 46 are not patentable, or (b) the Patent Office indicate that Claims 34 and 46 are patentable.

CLAIMS 35 AND 47

Claims 35 and 47 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 35 and 47 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 35 and 47 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 35 and 47 each recite the following additional features:

wherein:

said identifier is a first identifier, said position is a first position, and said replacement content is first replacement content;
said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and
modifying said preconstructed web page to produce said requested web page further comprises causing said program to substitute second replacement content for said second identifier in said preconstructed web page”

The Office Action does not cite a single portion of *Ladd* that discloses, teaches, or suggests the above elements of Claims 35 and 47. Instead, the Office Action only offers the broad conclusory statement that “*Ladd* discloses the method as recited in Claim 25,” followed by a listing of features recited in Claim 35. No explanation is provided as to why the above-quoted features of Claims 35 and 47 are disclosed, taught, or suggested by *Ladd*. Such a conclusory statement is not permissible under MPEP § 706. Consequently, Applicants respectfully request (a) the Patent Office provide an explanation that conforms to MPEP § 706 as to why Claims 35 and 47 are not patentable, or (b) the Patent Office indicate that Claims 35 and 47 are patentable.

CLAIMS 36 AND 48

Claims 36 and 48 are dependent claims, each of which directly depends on one of the claims discussed above. Each of Claims 36 and 48 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 36 and 48 introduces one or more additional limitations that independently render it patentable. To illustrate, Claims 36 and 48 each recite the following additional features:

wherein:

- said identifier is a first occurrence of said identifier;
- said position is a first position;
- said preconstructed web page includes a second occurrence of said identifier that is located at a second position between another pair of tags within said preconstructed web page; and
- modifying said preconstructed web page to produce said requested web page further comprises causing said program to perform the steps of:
 - removing said second occurrence of said identifier from said preconstructed web page, and
 - inserting said replacement content at said second position in said preconstructed web page

The Office Action does not cite a single portion of *Ladd* that discloses, teaches, or suggests the above elements of Claims 36 and 48. Instead, the Office Action only offers the broad conclusory statement that “*Ladd* discloses the method as recited in Claim 25,” followed by a listing of features recited in Claim 36. No explanation is provided as to why the above-quoted features of Claims 36 and 48 are disclosed, taught, or suggested by *Ladd*. Such a conclusory statement is not permissible under MPEP § 706. Consequently, Applicants respectfully request (a) the Patent Office provide an explanation that conforms to MPEP § 706 as to why Claims 36 and 48 are not patentable, or (b) the Patent Office indicate that Claims 36 and 48 are patentable.

CLAIMS 26, 29, 30, 31, 38, 41, 42, AND 43

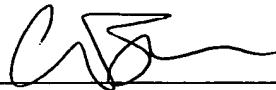
Claims 26, 29, 30, 31, 38, 41, 42, and 43 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 26, 29, 30, 31, 38, 41, 42, and 43 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 26, 29, 30, 31, 38, 41, 42, and 43 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, it is respectfully submitted that the rejection of Claims 25-49 under 35 U.S.C. § 102(a) as allegedly being anticipated over *Ladd* lacks the requisite factual and legal bases. Appellants therefore respectfully request that the Honorable Board reverse the rejection of Claims 25-49 under 35 U.S.C. § 102(a) over *Ladd*. It is further respectfully submitted that the rejection of Claims 32 and 44 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ladd* lacks the requisite factual and legal bases. Appellants therefore respectfully request that the Honorable Board reverse the rejection of Claims 32 and 44 under 35 U.S.C. § 103(a) over *Ladd*.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Appeal Brief – Patents**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On December 6, 2005

By



Angelica Maloney

VIII. CLAIMS APPENDIX

1-24. (Cancelled).

1 25. A method for generating web pages, comprising:
2 storing a preconstructed web page;
3 storing, separate from said preconstructed web page, correlation data that specifies a
4 correlation between an identifier and replacement content;
5 receiving a request for a requested web page that corresponds to said preconstructed
6 web page;
7 in response to said request, retrieving said preconstructed web page, wherein:
8 said preconstructed web page was created prior to receiving said request,
9 said preconstructed web page is written in a tag-delimited page description
10 language, and
11 said preconstructed web page includes said identifier that is located at a
12 position between a pair of tags within said preconstructed web page;
13 in response to said request, modifying said preconstructed web page to produce said
14 requested web page by causing a program to perform the steps of:
15 removing said identifier from said preconstructed web page, and
16 inserting said replacement content at said position in said preconstructed web
17 page, wherein said replacement content is selected based on the
18 correlation data; and
19 providing said requested web page in response to said request.

1 26. The method as recited in Claim 25, wherein removing said identifier and inserting said
2 replacement content further includes substituting replacement text for said identifier in
3 said preconstructed web page.

1 27. The method as recited in Claim 25, wherein:
2 said identifier is a first identifier and said position is a first position;
3 said preconstructed web page includes a second identifier that is located at a second
4 position between another pair of tags within said preconstructed web page;
5 said preconstructed web page includes first code, written in said tag-delimited page

description language, that describes a first display region and second code,
written in said tag-delimited page description language, that describes a second
display region that includes said second identifier, wherein said first code
includes said first identifier, and wherein said second code includes said
second identifier; and

modifying said preconstructed web page to produce said requested web page further
comprises causing said program to arrange an ordering of said first display
region and said second display region in said requested web page based on an
ordering of said first position and said second position in said preconstructed
web page.

28. The method as recited in Claim 25, wherein:
said program is a first program, said identifier is a first identifier, and said position is a
first position;
said preconstructed web page includes a second identifier that is located at a second
position between another pair of tags within said preconstructed web page; and
said preconstructed web page includes first code, written in said tag-delimited page
description language, that describes a first display region and second code,
written in said tag-delimited page description language, that describes a second
display region, wherein said first code includes said first identifier, and
wherein said second code includes said second identifier;
modifying said preconstructed web page to produce said requested web page further
comprises causing said program to arrange an ordering of said first display
region and said second display region in said requested web page based on an
ordering specified by a second program.

29. The method as recited in Claim 25, wherein said tag-delimited page description
language is selected from the group consisting of hypertext markup language (HTML)
and extensible markup language (XML).

30. The method as recited in Claim 25, further comprising:
parsing said preconstructed web page to generate a hierarchical representation of said

3 preconstructed web page, wherein said hierarchical representation is based on a
4 structure of said preconstructed web page; and
5 based on said hierarchical representation, processing said preconstructed web page to
6 locate said identifier.

1 31. The method as recited in Claim 25, wherein:
2 said preconstructed web page defines a plurality of display regions; and
3 code, written in said tag-delimited page description language, that describes how to
4 render one display region of said plurality of display regions, wherein said
5 code includes said identifier.

1 32. The method as recited in Claim 31, wherein:
2 said identifier is a first identifier, said position is a first position, and said code that
3 describes how to render one display region is first code that describes how to
4 render a first display region;
5 said preconstructed web page includes said first code;
6 said preconstructed web page includes second code, written in said tag-delimited page
7 description language, that describes how to render a second display region,
8 wherein said second code includes a second identifier that is located at a
9 second position between another pair of tags within said preconstructed web
10 page;
11 said preconstructed web page includes third code, written in said tag-delimited page
12 description language, that describes how to render a third display region,
13 wherein said third code includes no identifiers;
14 the step of modifying said preconstructed web page to produce said requested web
15 page comprises:
16 including said first code in said requested web page because said replacement
17 content replaces said first identifier;
18 not including said second code in said requested web page because no
19 replacement content replaces said second identifier; and
20 including said third code in said requested web page because said third code
21 includes no identifiers.

1 33. The method as recited in Claim 25, wherein:
2 said program is a hypertext template engine; and
3 a controller program performs the step of modifying said preconstructed web page to
4 produce said requested web page by causing said hypertext template engine to
5 perform the steps of removing and inserting.

1 34. The method of Claim 33, wherein said controller program modifying said
2 preconstructed web page to produce said requested web page by causing said
3 hypertext template engine to perform the steps of removing and inserting further
4 comprises:
5 said controller program making a substitution call to said hypertext template engine,
6 wherein said substitution call specifies said identifier and said replacement
7 content.

1 35. The method as recited in Claim 25, wherein:
2 said identifier is a first identifier, said position is a first position, and said replacement
3 content is first replacement content;
4 said preconstructed web page includes a second identifier that is located at a second
5 position between another pair of tags within said preconstructed web page; and
6 modifying said preconstructed web page to produce said requested web page further
7 comprises causing said program to substitute second replacement content for
8 said second identifier in said preconstructed web page.

1 36. The method as recited in Claim 25, wherein:
2 said identifier is a first occurrence of said identifier;
3 said position is a first position;
4 said preconstructed web page includes a second occurrence of said identifier that is
5 located at a second position between another pair of tags within said
6 preconstructed web page; and
7 modifying said preconstructed web page to produce said requested web page further
8 comprises causing said program to perform the steps of:

removing said second occurrence of said identifier from said preconstructed web page, and
inserting said replacement content at said second position in said preconstructed web page.

37. A computer-readable medium for generating web pages, the computer-readable medium carrying instructions which, when executed by one or more processors, cause performance of the steps of:
storing a preconstructed web page;
storing, separate from said preconstructed web page, correlation data that specifies a correlation between an identifier and replacement content;
receiving a request for a requested web page that corresponds to said preconstructed web page;
in response to said request, retrieving a said preconstructed web page, wherein:
said preconstructed web page was created prior to receiving said request,
said preconstructed web page is written in a tag-delimited page description language, and
said preconstructed web page includes an said identifier that is located at a position between a pair of tags within said preconstructed web page;
in response to said request, modifying said preconstructed web page to produce said requested web page by causing a program to perform the steps of:
removing said identifier from said preconstructed web page, and
inserting said replacement content at said position in said preconstructed web page, wherein said replacement content is selected based on the correlation data; and
providing said requested web page in response to said request.

38. The computer-readable medium as recited in Claim 37, wherein the instructions for removing said identifier and inserting said replacement content further comprise instructions which, when executed by the one or more processors, cause performance of the step of substituting replacement text for said identifier in said preconstructed web page.

1 39. The computer-readable medium as recited in Claim 37, wherein:
2 said identifier is a first identifier and said position is a first position;
3 said preconstructed web page includes a second identifier that is located at a second
4 position between another pair of tags within said preconstructed web page; and
5 said preconstructed web page includes first code that corresponds to a first display
6 region that includes said first identifier and second code that corresponds to a
7 second display region that includes said second identifier; and
8 the instructions for modifying said preconstructed web page to produce said requested
9 web page further comprise instructions which, when executed by the one or
10 more processors, cause performance of the step of causing said program to
11 arrange said first code that corresponds to said first display region and said
12 second code that corresponds to said second display region in said requested
13 web page based on an ordering of said first position and said second position in
14 said preconstructed web page.

1 40. The computer-readable medium as recited in Claim 37, wherein:
2 said program is a first program, said identifier is a first identifier, and said position is a
3 first position;
4 said preconstructed web page includes a second identifier that is located at a second
5 position between another pair of tags within said preconstructed web page; and
6 said preconstructed web page includes first code that corresponds to a first display
7 region that includes said first identifier and second code that corresponds to a
8 second display region that includes said second identifier;
9 the instructions for modifying said preconstructed web page to produce said requested
10 web page further comprise instructions which, when executed by the one or
11 more processors, cause performance of the step of causing said program to
12 arrange said first code that corresponds to said first display region and said
13 second code that corresponds to said second display region in said requested
14 web page based on an ordering specified by a second program.

1 41. The computer-readable medium as recited in Claim 37, wherein:

2 said identifier is a marker;
3 said position is a relative position;
4 said preconstructed web page is a template;
5 said replacement content is dynamic content; and
6 said tag-delimited page description language is selected from the group consisting of
7 hypertext markup language (HTML) and extensible markup language (XML).

1 42. The computer-readable medium as recited in Claim 37, further comprising instructions
2 which, when executed by the one or more processors, cause performance of the steps
3 of:
4 parsing said preconstructed web page to generate a hierarchical representation of said
5 preconstructed web page, wherein said hierarchical representation is based on a
6 structure of said preconstructed web page; and
7 based on said hierarchical representation, processing said preconstructed web page to
8 locate said identifier.

1 43. The computer-readable medium as recited in Claim 37, wherein:
2 said preconstructed web page defines a plurality of display regions; and
3 code that corresponds to one display region of said plurality of display regions
4 includes said identifier.

1 44. The computer-readable medium as recited in Claim 43, wherein:
2 said identifier is a first identifier, said position is a first position, and said code that
3 corresponds to one display region is first code that corresponds to a first
4 display region;
5 said preconstructed web page includes said first code that corresponds to said first
6 display region that includes said first identifier;
7 said preconstructed web page includes second code that corresponds to a second
8 display region that includes a second identifier that is located at a second
9 position between another pair of tags within said preconstructed web page;
10 said preconstructed web page includes third code that corresponds to a third display
11 region that includes no identifiers;

the computer-readable medium further comprises instructions which, when executed by the one or more processors, cause performance of the steps of: including said first code that corresponds to said first display region in said requested web page because said replacement content replaces said first identifier; not including said second code that corresponds to said second display region in said requested web page because no replacement content replaces said second identifier; and including said third code that corresponds to said third display region in said requested web page because said third code includes no identifiers.

45. The computer-readable medium as recited in Claim 37, wherein: said program is a hypertext template engine; and a controller program performs the step of modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting.

46. The computer-readable medium of Claim 45, wherein the instructions for said controller program modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting further comprises instructions which, when executed by the one or more processors, cause performance of the steps of: said controller program making a substitution call to said hypertext template engine, wherein said substitution call specifies said identifier and said replacement content.

47. The computer-readable medium as recited in Claim 37, wherein: said identifier is a first identifier, said position is a first position, and said replacement content is first replacement content; said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and the instructions for modifying said preconstructed web page to produce said requested

7 web page further comprise instructions which, when executed by the one or
8 more processors, cause performance of the step of causing said program to
9 substitute second replacement content for said second identifier in said
10 preconstructed web page.

1 48. The computer-readable medium as recited in Claim 37, wherein:
2 said identifier is a first occurrence of said identifier;
3 said position is a first position;
4 said preconstructed web page includes a second occurrence of said identifier that is
5 located at a second position between another pair of tags within said
6 preconstructed web page; and
7 the instructions for modifying said preconstructed web page to produce said requested
8 web page further comprise instructions which, when executed by the one or
9 more processors, cause performance of the step of causing said program to
10 perform the steps of:
11 removing said second occurrence of said identifier from said preconstructed
12 web page, and
13 inserting said replacement content at said second position in said
14 preconstructed web page.

1 49. A system for generating web pages, comprising:
2 a preconstructed web page that corresponds to a request for a requested web page,
3 wherein said preconstructed web page was created prior to receipt of said
4 request, said preconstructed web page is written in a tag-delimited page
5 description language, said preconstructed web page includes an identifier that
6 is located at a position between a pair of tags within said preconstructed web
7 page, and said preconstructed web page is retrieved in response to said request;
8 a first program; and
9 a second program that, in response to said request, modifies said preconstructed web
10 page to produce said requested web page by causing said first program to
11 remove said identifier from said preconstructed web page and insert

- 12 replacement content at said position in said preconstructed web page, wherein
- 13 said requested web page is provided in response to said request.

IX. EVIDENCE APPENDIX

Applicants have not submitted any evidence pursuant to 37 CFR § 1.130, 37 CFR § 1.131, or 37 CFR § 1.132 or of any other evidence entered by the Examiner and relied upon by the Applicants in the appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR § 41.37(c)(1)(ii).